
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

JOHN H. REDMOND IV,
Plaintiff,

v.

STATE OF UTAH et al.,
Defendants.

**MEMORANDUM DECISION
& ORDER TO SHOW
CAUSE REGARDING
POST-JUDGMENT MOTION**

Case No. 2:21-cv-00405 DBB

District Judge David Barlow

On August 25, 2021,

[b]ecause Plaintiff had, three or more prior times while incarcerated, filed an action dismissed as "frivolous or malicious or fail[ing] to state a claim upon which relief may be granted," 28 U.S.C.S. § 1915(g), the Court concluded that Plaintiff could not proceed *in forma pauperis* but must pay his entire \$350 filing fee up front.

(ECF No. 11.) “The Court warned that Plaintiff’s complaint would be dismissed unless he paid the full filing fee within thirty days.” (*Id.*) More than six months later, on March 8, 2022, the full filing fee remained unpaid, so the Court dismissed this case. (*Id.*)

Six days later, Plaintiff filed a motion for relief from the judgment. (ECF No. 15.) Based on the motion’s timing, the Court construes it as a motion to alter or amend the judgment, under Federal Rule of Civil Procedure 59(e) (“A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.”). That motion argues that Plaintiff should have been allowed to proceed *in forma pauperis* under an exception to § 1915(g), in which he may proceed if he “is under imminent danger of serious physical injury.” 28 U.S.C.S. § 1915(g) (2022). In fact, he requests that the Court “should send a [complete copy] of complaint

so that plaintiff may point out which claims are ‘under imminent danger of serious physical injury.’” (ECF No. 15.)

IT IS THEREFORE ORDERED that:

(1) With this Order, the Clerk's Office shall mail a copy of the Complaint, (ECF No. 1), to Plaintiff to allow him to formulate arguments as to which claims may support the exception to § 1915(g).

(2) Plaintiff must within thirty days **SHOW CAUSE** why his Motion for Relief from Judgment should not be denied because he has not adequately shown that his claims support the exception to § 1915(g).

DATED this 3rd day of January, 2023.

BY THE COURT:



JUDGE DAVID BARLOW
United States District Court